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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 14-71256 MAG
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del> ORDER
	)	CONTINUING ARRAIGNMENT AND
v.	)	EXCLUDING TIME UNDER FEDERAL RULE OF
	)	CRIMINAL PROCEDURE 5.1 AND THE SPEEDY
SERGIO VARGAS,	)	TRIAL ACT
	)	
	)	
Defendant.	)	
	)	
	)	

On October 26, 2014, defendant Sergio Vargas was arrested in Woodland, California pursuant to a criminal complaint. He made an initial appearance in the Eastern District of California, was released on bond, and ordered to appear before this Court on October 10, 2014 at 9:30 a.m. for arraignment. The undersigned parties respectfully request that the arraignment be continued to December 10, 2014 in order to afford the parties time to explore a pre-indictment resolution of the case. The government recently provided Assistant Federal Public Defender Douglas Beevers with a first round of discovery, and will be providing additional materials to him. The parties also request an exclusion under Rule 5(c) and (d) of the Federal Rules of Criminal Procedure and the Speedy Trial Act. The parties agree and stipulate that an exclusion of time under both Rule 5.1 and the Speedy Trial Act from October 10, 2014

STIPULATION AND [PROPOSED] ORDER  
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1 to December 10, 2014 is appropriate based on the parties need to determine if the case can be resolved.  
2 In addition, AFPD Beevers needs time to review the discovery, conduct his investigation, and consult  
3 with the defendant. 18 U.S.C. §§ 3161(b) and 3161(h)(7)(B)(iv).

4 SO STIPULATED:

5 DATED: October 8, 2014

MELINDA HAAG  
United States Attorney

/s/

SUSAN KNIGHT  
Assistant United States Attorney

8 DATED: October 8, 2014

/s/

DOUGLAS J. BEEVERS  
(CSBN 288639)  
Assistant Federal Public Defender  
Counsel for Mr. Vargas


13 **ORDER**

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the arraignment scheduled  
15 for October 10, 2014 is continued to December 10, 2014 at 9:30 a.m.

16 The Court FURTHER ORDERS time be excluded under Rule 5.1(c) and (d) in order for the parties  
17 to explore a pre-indictment resolution. The Court also excludes time under the Speedy Trial Act from  
18 October 10, 2014 through December 10, 2014. The Court finds, based on the aforementioned reasons,  
19 that the ends of justice served by granting the requested continuance outweigh the best interest of the  
20 public and the defendant in a speedy trial. The failure to grant the requested continuance would deny  
21 defense counsel reasonable time necessary for effective preparation, taking into account the exercise of  
22 due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this  
23 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

24 SO ORDERED.

25 DATED: 10/9/14

26   
27 HON. KANDIS A. WESTMORE  
28 United States Magistrate Judge